

1 Adopt 2 Cal. Code Regs., Section 18360.2 to read:

2 **§ 18360.2 Penalties in Streamline Cases.**

3 Streamline penalty stipulations are approved by the Chief of Enforcement and are
4 reported to the Commission for discussion only before they are executed. The Chief of
5 Enforcement will include those stipulations in the next Commission agenda, as a part of the
6 Executive Staff Report. After the close of the hearing, the Chief of Enforcement may execute all
7 or any of the Streamline penalty stipulations, at his or her discretion.

8 Penalties in streamline cases not to exceed the prescribed maximum fine amount per
9 violation found in Government Code Section 83116, subdivision (c).

10 (a) Late Statement of Economic Interests.

11 (1) Penalty Amount. The streamline penalty for failing to timely file a Statement of
12 Economic Interests is calculated as follows:

13 (A) \$200 per late statement if filed in response to the Enforcement Division's first contact
14 with the filer.

15 (B) \$400 per late statement if filed prior to issuance of a probable cause report by the
16 Enforcement Division.

17 (C) \$600 per late statement if filed prior to issuance of an accusation by the Enforcement
18 Division.

19 (D) \$800 per late statement if filed prior to adoption of a default decision and order by
20 the Commission.

21 (b) Unreported Economic Interest(s).

22 (1) Penalty Amount. The penalty for failing to timely report an economic interest on a
23 Statement of Economic Interests is calculated as follows:

1 (A) \$100 per economic interest not disclosed per statement that did not include timely
2 disclosure of an economic interest if filed in response to the Enforcement Division's first contact
3 with the filer.

4 (B) \$200 per economic interest not disclosed per statement that did not include timely
5 disclosure of an economic interest if filed prior to issuance of a probable cause report by the
6 Enforcement Division.

7 (C) \$300 per economic interest not disclosed per statement that did not include timely
8 disclosure of an economic interest if filed prior to issuance of an accusation by the Enforcement
9 Division.

10 (D) \$400 per economic interest not disclosed per statement that did not include timely
11 disclosure of an economic interest if filed prior to adoption of a default decision and order by the
12 Commission.

13 (c) Late Campaign Statement or Report:

14 (1) Penalty Amount. The penalty for failing to timely file a campaign statement or report
15 is calculated as follows:

16 (A) \$200 plus 1% of contributions received or expenditures made, whichever is greater,
17 per late statement if filed in response to the Enforcement Division's first contact with the filer
18 (unless statement or report was due before the relevant election, but filed later than seven days
19 before the election, then the 1% is increased to 2%).

20 (B) \$400 plus 2% of contributions received or expenditures made, whichever is greater,
21 per late statement if filed prior to issuance of a probable cause report by the Enforcement
22 Division (unless statement or report was due before the relevant election, but filed later than
23 seven days before the election, then the 2% is increased to 3%).

1 (C) \$600 plus 3% of contributions received or expenditures made, whichever is greater,
2 per late statement if filed prior to issuance of an accusation by the Enforcement Division (unless
3 statement or report was due before the relevant election, but filed later than seven days before the
4 election, then the 3% is increased to 4%).

5 (D) \$800 plus 4% of contributions received or expenditures made, whichever is greater,
6 per late statement if filed prior to adoption of a default decision and order by the Commission
7 (unless statement or report was due before the relevant election, but filed later than seven days
8 before the election, then the 4% is increased to 5%).

9 (d) Unreported Contributions or Expenditures.

10 (1) Penalty Amount. The penalty for failing to timely report is calculated as follows:

11 (A) \$100 plus 1% of contributions received or expenditures made, whichever is greater,
12 per late statement if filed in response to the Enforcement Division's first contact with the filer
13 (unless statement or report was due before the relevant election, but filed later than seven days
14 before the election, then the 1% is increased to 2%).

15 (B) \$200 plus 2% of contributions received or expenditures made, whichever is greater,
16 per late statement if filed prior to issuance of a probable cause report by the Enforcement
17 Division (unless statement or report was due before the relevant election, but filed later than
18 seven days before the election, then the 2% is increased to 3%).

19 (C) \$300 plus 3% of contributions received or expenditures made, whichever is greater,
20 per late statement if filed prior to issuance of an accusation by the Enforcement Division (unless
21 statement or report was due before the relevant election, but filed later than seven days before the
22 election, then the 3% is increased to 4%).

1 (D) \$400 plus 4% of contributions received or expenditures made, whichever is greater,
2 per late statement if filed prior to adoption of a default decision and order by the Commission
3 (unless statement or report was due before the relevant election, but filed later than seven days
4 before the election, then the 4% is increased to 5%).

5 (e) Late Lobbying Reports.

6 (1) Penalty Amount. The penalty for failing to timely file a report is calculated as
7 follows:

8 (A) \$200 plus 1% of all payments received or payments made for lobbying activity,
9 whichever is greater if the report is filed in response to the Enforcement Division's first contact
10 with the filer.

11 (B) \$400 plus 2% of all payments received or payments made for lobbying activity,
12 whichever is greater if the report is filed prior to issuance of a probable cause report by the
13 Enforcement Division.

14 (C) \$600 plus 3% of all payments received or payments made for lobbying activity,
15 which is greater if the report is filed prior to issuance of an accusation by the Enforcement
16 Division.

17 (D) \$800 plus 4% of all payments received or payments made for lobbying activity,
18 whichever is greater if the report is filed prior to adoption of a default decision and order by the
19 Commission.

20 (f) Unreported Lobbying Activity.

21 (1) Penalty Amount. The penalty for failing to timely report lobbying activity is
22 calculated as follows:

1 (A) \$100 plus 1% of all payments received or payments made for lobbying activity,
2 whichever is greater if the report is filed in response to the Enforcement Division's first contact
3 with the filer.

4 (B) \$200 plus 2% of all payments received or payments made for lobbying activity,
5 whichever is greater if the report is filed prior to issuance of a probable cause report by the
6 Enforcement Division.

7 (C) \$300 plus 3% of all payments received or payments made for lobbying activity,
8 whichever is greater if the report is filed prior to issuance of an accusation by the Enforcement
9 Division.

10 (D) \$400 plus 4% of all payments received or payments made for lobbying activity,
11 whichever is greater if the report is filed prior to adoption of a default decision and order by the
12 Commission.

13 (g) Cash Contributions or Expenditures of \$100 or more.

14 (1) Penalty Amount. The streamline penalty for receiving a contribution or making an
15 expenditure of \$100 or more in cash is calculated as follows:

16 (A) An amount equal to 25% of the amount of the contribution or expenditure in response
17 to the Enforcement Division's first contact with the person.

18 (B) An amount equal to 50% of the amount of the contribution or expenditure if prior to
19 issuance of a probable cause report by the Enforcement Division.

20 (C) An amount equal to 100% of the amount of the contribution or expenditure if prior to
21 issuance of an accusation by the Enforcement Division.

22 (D) An amount equal to two times the amount of the contribution or expenditure if prior
23 to adoption of a default decision and order by the Commission.

1 (h) Campaign Bank Account.

2 (1) Penalty Amount. The streamline penalty for failing to deposit a contribution into a
3 campaign bank account, or failing to make a campaign expenditure from the campaign bank
4 account is calculated as follows:

5 (A) \$100 plus 1% of the amount not processed through the campaign bank account per
6 statement period during which a violation occurred if settled in response to the Enforcement
7 Division's first contact with the person.

8 (B) \$200 plus 2% of the amount not processed through the campaign bank account per
9 statement period during which a violation occurred if settled prior to issuance of a probable
10 cause report by the Enforcement Division.

11 (C) \$300 plus 3% of the amount not processed through the campaign bank account per
12 statement period during which a violation occurred if settled prior to issuance of an accusation
13 by the Enforcement Division.

14 (D) \$400 plus 4% of the amount not processed through the campaign bank account per
15 statement period during which a violation occurred if settled prior to adoption of a default
16 decision and order by the Commission.

17 (i) Committee Naming.

18 (1) Penalty Amount. The streamline penalty for failing to name the committee properly is
19 calculated as follows:

20 (A) \$400 per reporting period if settled in response to the Enforcement Division's first
21 contact with the person.

22 (B) \$600 per reporting period if settled prior to issuance of a probable cause report by the
23 Enforcement Division.

1 (C) \$800 per reporting period if settled prior to issuance of an accusation by the
2 Enforcement Division.

3 (D) \$1,000 per reporting period if settled prior to adoption of a default decision and order
4 by the Commission.

5 (j) Advertising and Mass Mailing Disclosures.

6 (1) Penalty Amount. The streamline penalty for failing to include all required
7 advertisement or mass mailing requirements is calculated as follows:

8 (A) \$100 plus 1% of each advertisement buy if settled in response to the Enforcement
9 Division's first contact with the person.

10 (B) \$200 plus 2% of each advertisement buy if settled prior to issuance of a probable
11 cause report by the Enforcement Division.

12 (C) \$300 plus 3% of each advertisement buy if settled prior to issuance of an accusation
13 by the Enforcement Division.

14 (D) \$400 plus 4% of each advertisement buy if settled prior to adoption of a default
15 decision and order by the Commission.

16 (k) Recordkeeping.

17 (1) Penalty Amount. The streamline penalty for failing to maintain adequate records is
18 calculated as follows:

19 (A) \$200 per reporting period if settled in response to the Enforcement Division's first
20 contact with the person.

21 (B) \$400 per reporting period if settled prior to issuance of a probable cause report by the
22 Enforcement Division.

1 (C) \$600 per reporting period if settled prior to issuance of an accusation by the
2 Enforcement Division.

3 (D) \$800 per reporting period if settled prior to adoption of a default decision and order
4 by the Commission.

5 (l) Gift Limit.

6 (1) Penalty Amount. The penalty for a gift limit violation is calculated as follows:

7 (A) \$200 per gift received over the limit if settled in response to the Enforcement
8 Division's first contact with the person.

9 (B) \$400 per gift received over the limit if settled prior to issuance of a probable cause
10 report by the Enforcement Division.

11 (C) \$600 per gift received over the limit if settled prior to issuance of an accusation by
12 the Enforcement Division.

13 (D) \$800 per gift received over the limit if settled prior to adoption of a default decision
14 and order by the Commission.

15 (m) Slate Mailer Organization Filing Issues.

16 (1) Penalty Amount. The streamline penalty for failing to properly file slate mailer
17 organization statements is calculated as follows:

18 (A) \$400 per reporting period if settled in response to the Enforcement Division's first
19 contact with the person.

20 (B) \$600 per reporting period if settled prior to issuance of a probable cause report by the
21 Enforcement Division.

22 (C) \$800 per reporting period if settled prior to issuance of an accusation by the
23 Enforcement Division.

1 (D) \$1,000 per reporting period if settled prior to adoption of a default decision and order
2 by the Commission.

3 (n) Proper Recusal for a Conflict of Interest.

4 (1) Penalty Amount. The streamline penalty for failing to properly recuse for a conflict of
5 interest is calculated as follows:

6 (A) \$400 per incident if settled in response to the Enforcement Division's first contact
7 with the person.

8 (B) \$600 per incident if settled prior to issuance of a probable cause report by the
9 Enforcement Division.

10 (C) \$800 per incident if settled prior to issuance of an accusation by the Enforcement
11 Division.

12 (D) \$1,000 per incident if settled prior to adoption of a default decision and order by the
13 Commission.

14 (o) Major Donor Notifications.

15 (1) Penalty Amount. The streamline penalty for failing to properly notify a major donor is
16 calculated as follows:

17 (A) \$200 per reporting period if settled in response to the Enforcement Division's first
18 contact with the person.

19 (B) \$400 per reporting period if settled prior to issuance of a probable cause report by the
20 Enforcement Division.

21 (C) \$600 per reporting period if settled prior to issuance of an accusation by the
22 Enforcement Division.

- 1 (D) \$800 per reporting period if settled prior to adoption of a default decision and order
- 2 by the Commission.
- 3 Note: Authority cited: Section 83112, Government Code. Reference: Section 83116,
- 4 Government Code.